THE NEW ELECTION LAW.

The Constitutionality of the Act of Congress Sustained.

Opening Proceedings-Caleb Cushing Takes the Oath as Assistant District Attorney-Judge Woodruff Delivers the Opinion of the Court-The Constitutionality of the Law Sustained on All Points-Terence Quian to be Sentenced This Morning-The Case of John McLaughlin.

The United States Court room was densely crowded yesterday morning in anticipation of the delivery of the opinion of the Court on the constitutionality of the new election law on the points raised by counsel on the previous day in the case of the United States against Terence Quinn. At a quarter past eleven Judges Woodruff and Blatchford took their seats on the bench, when a new feature of interest to the pro ceeding was added by the appearance and swearing in of the eminent constitutional lawyer Caleb Cushing as an Assistant District Attorney.

swearing in of Mr. Cubing.

The District Attorney rose and said:—May it please the Court, I hold in my hand a commission appointing Hon. Caleb Cushing specially assistant to the District Attorney for this district, and I now move that he take the oath required by the late act of Con-

Judge Woodruff I st the oath be administered. District Attorney—The statute organizing the Districk Department requires that all counsel employed by the government specially shall be commissioned as assistant atterneys, and shall take the same oath that is provided for the United States Attorney. That cath will be found in the statutes of 1862.

The Cushing was then duly avern under the statutes as assistant attorney to Mr. David.

JUDGE WOODRUPP'S DECISION. Judge Woodruff then proceeded to deliver the decision of the court. Throughout his elaborate ruling on all the points submitted in support of the demurrer he spoke in most emphatic language, and was listened to with rapt attention. He said-The arrer to the indictment now before the court, which was the subject of discussion at our last ses-sion, presents two questions. The first is, whether the law of the United States under which the indictment is found is constitutional; or, in a more genseral form, whether it is a valid enactment? It is assailed, first, upon the ground that it is an infraction of the constitution of the United States; and second, whether the indictment sufficiently charges an offence under the law?

The Court will not endeavor to discuss with great minuteness or particularity these two questions The shortness of the interval which has elapsed since the argument closed has precluded the clabo ration of an opinion upon the points which are THE COURT'S VIEW OF THE LAW.

Had the Court entertained serious doubt of the ess of the conclusions which they have reached, they would have taken time greater deliberation, and, if it seemed to them fit, have endeavored to throw light upon the subject by an extended discussion. But entertaining no doubt, and deeming it unnecessary and unshould be delayed for the purpose of indulging in an elaborate expesition of constitutional or other law, we felt not only at liberty but constrained to confine ourselves to a very brief statement of the sading grounds upon which the concinsion which THE PREMISES ADVANCED.

First, then, as to the constitutionality of the act in question. And it is important, perhaps, certainly we deem it wise in approaching that subject to state just what the question is which we are called to consider, and to what a narrow point of inquiry the questions involved in the present demurrer bring us.
The section of the act of Congress upon which this ndictment is found is single; it is a single section of a single statute. Its validity involves the consideration of no other sections of the same or other statutes. Its discussion does not bring into view namerous questions, some of which were slinded to in the progress of the argument, which might or might not be fit subjects for discussion, if other statutes or other sections of the prescut statute were before us for review.

ARTICLE I OF THE CONSTITUTION—THE POWERS OF CONGRESS.

Without reading the section under which this indictment is found at length, or attempting to speak of it in teennical terms, it must be sufficient to say that it is an act which makes a frandulent register having a legal right so to do for the purposes of an election of a member of Congress a erime against the United States of America, and the validity and constitutionality alone, which we are to consider, rests upon the simple question. Has Congress the power under the constitution to declare a fraudulent registration or fraudulent attempt to register for the purpose of voting for a member of Congress, a representative or delegate in Congress, a crime against the United States? We, therefore, enter into no consideration of various topics which were briefly alinded to, referring to other details of other laws, or of the act of which this section

is a part.

There are four provisions of the constitution of the United States, reference to which is pertinent to the inquiry before us. The first is:—

ARTICLE I—SECTION 2.—The Mouse of Representatives shall be composed of members chosen every second year by the people of the severa States, and the electors in each State shall have the qualifications requisite in siecous of the most numerous.

Aspicing 1—Sections 2.—The alouse of Representatives shall be composed of members chosen every second year by the people of the severa States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Sec. 4—Sub-division 1.—The times, places and seanner of boiding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof. But the Congress may at any time, by law, make or alter such requisitions, except as to the place of choosing senators.

Sec. 5—Sub-division 1.—Each house shall be the indige of the elections, returns and qualifications of its own members. And

Sec. 5—Sub-division 19.—Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the loregoing powers and all other powers vested by this constitution in the government of the United States or many department or officer thereof.

First, does the act in question infrings the provision of the constitution which I have read which have the qualifications requisite for the electors of the most numerous biranch of the State Legislature? It is argued with great in genuity and ability that the act in question infrings that clause of the constitution, because it seeks to establish a test of qualification; it seeks to establish a test of qualification itself. We apprehend that that argument rests upon no solid basis. The act in question and by so dedug test of the evidence of qualification itself. We apprehend that that argument rests upon no solid basis. The act in question notiner professes, nor by any implication can it, we think, se construe to affect the qualification of any elector anywhere. It imposes no duty to register; it prohibits no registration that its required in the State in which the electors seek to exercise his franchise. It touches no qualification of registration is imposed by the state is we have no if the scate to the scate of the scate of the constitution of regist one year next preceding the election, and for the last four months a resident of the county where he may offer his vote, shall be entitled to vote at such election in the gleation district at which he shall at the time

be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people?—
a dectaration of qualifications and the sole qualifications which, under the constitution of the State of New York, it is competent to prescribe. And this same constitution, not deeming this unqualified dectaration of the qualification of voters intringed in any degree, have, in section four of the same article, provided that laws shall be made for the ascertaming, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established. Our reflections lead us, therefore, to the conclusion, and, without hesitation, that the prescription of a mode of ascertaning and certifying the qualification of him who shall present himself to exercise the elector's privilege is no infringement of the clause that declares what shall constitute requisite qualification, and is no attempt to prescribe to the State—to this State or to any other State—any condition of the exercise of the right of suffrage, and no attempt to prescribe the qualifications of an elector. If we are right in this, then the second section of the first article of the constitution is no impediment to the logislation of Congress upon this subject. constitution is no impediment to the logislation of Congress upon this subject, THE CONSTITUTION PRESCRIBES THE TIMES, PLACES

The next clause of the constitution to which we refer—section four, subdivision one—declares that the times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time, by law, make or atte-such regulations except as to the place of choosing Senators.

Upon this affirmative provision of the constitution. Upon this affirmative provision of the constitution, and in support of the legislation which is now assailed, it is misisted that this chause of the constitution warrants the passage of the act in question on the one band, white on the other it is denied that this section includes the authority claimed, and, second, that the authority attempted to be exercised is within it.

this section includes the authority claimed, and, second, that the authority attempted to be exercised is within it.

The framers of the constitution of the United States placed its government, all its strength and vigor and all its permanent capacity for usefulness to the people, for whom it was made, in the votes of the people themselves. The debates in the convention in which the constitution was trained, the discussions which were had by way of exposition when the constitution was presented to the States for their acceptance, both of which were freely cited to us in the argument, show in the fullest manner that these framers of the constitution did not for one moment loss sight of the matter did not for one moment loss sight of the matter did not for one moment loss sight of the matter did not for one moment loss sight of the matter did not for one moment loss sight of the matter did not for one moment loss sight of the matter did not for one moment loss sight of the matter did not for one moment loss sight of the matter did not for one moment loss sight of the matter did not not for the formers of the people themselves, or ceuld secure the beneficent ends for which it was instituted—that that pobular vote should be the true expression of the opinions and choice of the electors. Hence we say this section four of the first article of the constitution, either through an apprehension that in some possible change of events the States might become multicrent to the general good, and so neglect, their duty, or warned, perhaps, by experience, fide, under the previous articles of the alecteration on that subject, or, with wisdom toreasting the possibility that, at some distance perhaps, by experience, fide, under the previous articles of the constitution of the popular vote should be steined, they by this fourth section conferred power upon Congress for that self-preservation. Thus might be so fixed as in that mode to defeat the general and the indispensable purpose. The manner of holding an election might be such men who went into the various States and elsewhere wrote in explanation of the provisions of the constitution, that people might understand it, elections might be so conducted, either through an indifference of the States or otherwise, that the general government might find itself unsupported by the very people in whose will the foundations of the government rested. Hence we say the scheme pointed out by this section four, and hence, we say, the explanations which were given by the great and good men who expounded it.

It seems to me that we ought to pause but a mement upon the signestion that in the enforcement of a law such as we have how before us for consideration, intended to secure an election of members of the House of Representatives by the giving of all legal votes and by the giving of none that are fraudulent, the government of the United States has no interest.

What is the government of the United States? — what is that? It may be conceded to be an artificial thing which here all "government," and which is sometimes looked upon at the source as well as the exhibition of power, and not capable of interest more than it is of thought or seeing. But the government of the United States—one and all, throughout the length and breasth of the land. And the people of the United States—one and all, throughout the length and breasth of the land. And the people of the United States—one and all, throughout the length and breasth of the land. And the people of the United States,—one and everywhere, have not only an interest, out an interest that signial, in the preservation of all that is pure, just and honest in the people in a state of their institutions and in the preservation of all that is pure, just and honest in the preservation of all that is pure, just and honest in the popular vote, on whom for ingle safety and security their institutions and their government rest.

Now it is conceeded, it I have rightly apprehended the arguments that have been addressed to us, to be within the constitutions ignated from the congress to proceed under this power to regulate the make such regulations as to each that all the electors in every base shall have full and fair opportunity to declare their with. And the illustration chiefly used in the discussion, to which I have referred, was an instruction away from the supposition that possibly the intervention of congress to secure that end might become necessary.

It is equally important that no one who is not an elector shall be permitted to deposit more votes than he is enutlied to; and both these possible evils rest precisely upon the principle on which is was doctated that this clause might be useful and the exercise of the power might become necessary, in order that all fegal voters WHAT IS THE GOVERNMENT OF VER UNITED

principle on which it was declared that this cause night be useful and the exercise of the power might become necessary. In order that all legal voters should have full and fair opportunity to deposit their votes. The Court are not able to see the difference in principle between a regulation to chanic all to your who are childed to vote and a regulation to voic who are childed to vote and a regulation to prevent men voting more times or more places than one. If not, then the power to do the one and the power to prefitte the one involves the power to see to it that no one was in or catalided to vote said and convenient exercises of his publinger involves the power to see to it that no one was in the intended to exercise that right. And all this leaves, as I have already stated, the subject of qualification of electors instonched, leaves the laws of the State of New York to special in their full rocks. And though it be true that the laws of the State of New York to special in their full rocks. And though it be true that the laws of the State of New York cannot be relied on as the some of methods of a state some of extending or as giving any vigor of over of the state of New York cannot be relied to a grant to be found in the was a state of the state of the

servations seem to me pertinent to one of the views which was presented to us in the discussion.

servations seem to me perithent to one of the views which was presented to us in the discussion.

I have anticipated in what I have said the force and effect of the ninetecent sub-division of the eighth section of the same article—the power to make all laws which shall be necessary or proper for carrying into execution the foregoing powers. If, according to the view which we take of the section already considered, Congress has nower to regulate the time and manner of holding the elections, so as to secure as well a full and fair opportunity to vote at all elections for members of Congress, and also to see to it that no one fraudulently exercises the privilege of voting, then it follows, under the nineteenth subdivision, that Congress has the power to pass all laws which shall be necessary to give effect to those regulations, and we know of none so efficient as to add the sanction of a penalty.

There is another section upon which I desire to make a single observation—section five, "Each house shall be a junge of the elections, returns and qualifications of its own members." We do not think it necessary to rest our views of the constitutionality of the law upon that section, and yet the argument to our minds is plausible in a high degree if indeed we engil not to regard it as satisfactory alone considered, viz., that when the constitution conferred upon each House the power to judge of the elections, returns and qualifications of its own members, and then authorized them to make all laws necessary and proper for carrying into execution the foregoing powers and all other powers vested in any department of the government, it authorizes Congress to make such laws touching the conduct of elections, raturns and sound operate, first, to furnish each House of Congress appropriate evidence of the validity of the commission or appointment of any main who claims a seal is an election of any main who claimed a right to a seat, it is familiar to us all that when a contest arises (I refer to this as the practical exposition

sustain the constitutionality of the Section this indictment is founded.

THE INDICEMENT SUSTAINED.

clauses which I have maney if the section on which this indictment is founded.

THE INDICTMENT SUSTAINED.

Our conclusion, then, is that the section of the act in question, and upon which this indictment resistic the twentieth section—which assumes the power of Congress to make it an offence against the laws of the limited States to fraudulently register, is a constitutional enactment.

The next inquiry is whether the indictment in question is a sufficient ladictment under the act. That question involves no constitutional considerations. It involves no principles that are not generally applicable to any ordinary inquiry into the sufficiency of indictments. And in reviewing this subject, looking at the bisiory of adjudication, particularly in the United States courts, but sustained by the courts of the State of New York and of Massachusetts and others, we find ourselves in no doubt. This being a misdemeaner created and declared by statute, it is sufficient to describe a statutory offence in the words of the statute itself—in the words of the statute, adapted, or course, to the particular circumstances involved in the offence which is charged. This docirine seems to usgabundantly sustained by decisions that are to be found in 2 Gallison, 2 Massachusetts Reports, 2 Curtis, a decision in Baldwin's Reports, one that was freely referred to from 7 Peters', in the Supreme Court of the United States; a decision of the Supreme Court of the United States; a decision of the Supreme Court of the Mistate of New York in 8 Wendell; another in 9 Massachusetts, a decision of the Bupreme Court of the State of New York in 8 wendell; another in 9 Massachusetts, a decision of the Bupreme Court of the Mistate of New York in 8 wendell; another in 9 Massachusetts, a decision of the District Court of the Northern District of this state, reported in 4 Blatchford, page 322, and winch has singular significance in reference to a branch of the District Court of the Northern District of this state, reported in 4 Blatchford, page 322, and winc

it is suggested by my associate, and very properly, that it becomes a necessary part of our judicial duty, in construing this indicament and in applying the inquiry whether it is substantially in conformity with the statute, that we take, as we do and as we are bound to do, judicial notice of the statutes of the state of New York, which are referred to in the indicament itself. Doon both of these points, therefore, involved in the discussion, we are of the opinion that the indicament should be sustained and that the demurrer of the defendant be overruied.

There was conductable stir among the audience when the learned Judge had concluded.

THE DISTRICT ANTORNEY MOVES FOR LODGMENT OF THE DISTRICT ACTORNEY MOVES FOR JUDGMENT OF

The District Autonomy Moves for Icocaest os the District Autonomy then rose and said:—May it please the Court. I rise now to move judgment upon the prisones at the bar upon the decision of the Court overruling the demurrer. It will be remembered that I gave notice to my tearned friends yes the prisones at the bar upon the decision of the Court overruing the demurrer. It will be remembered that I gave notice to my tearned friends yesterday that I should consider it my duty to make this motion if the demurrer should be overruled, upon my diews of the law governing demurrers of this kind. I have no hestiation in doing this for another reason, which is, sir, that upon the questions of fact, of the othere having been committed, there can be no bossible doubt. Those facts stand admitted by the confession which the law attaches to a general demurrer. If I had the slightest question whatever of the ability of the government to prove the facts of double registration by the accused, and of the registration by the accused, and of the registration by that I would consent to a judgment requiring him to plead over. But having no doubt, because there can be none upon the fact of the double registration, and having the record of his conviction in my possession, I think it my duty to insist, in accordance with the notice I gave my learned friend, that the judgment should now be pronounced, which the law requires upon the prisoner, alse apon that subject I ask if the Court entertains any doubt whatever that my learned associate, Mr. Cushing, may be heard.

Judge Woodruff—Do counsel for the prisoner desire to be heard!

Mr. Stonebton—We have nothing to say.

Mr. Stonebton—We have nothing to say.

Mr. Stonebton—We have nothing to say.

Judge Woodroff—Do counsel for the prisoner desire to be heard?

Mr. Stoughton—We have nothing to say.

Mr. Stoughton—We have only this to say: This demurrer was interposed, as the Court knows, for the purpose of raising questions which the counsel believed could be raised at more convenience to the Court, with a view to what we supposed might be the direction of the Court as to the ultimate disposition of any question that might arise, than by raising it in any other mode. It is in the discretion of the Court to permit a plea or not. We are not disposed to say one word on the subject of how the Court shall exercise that discretion except to say this, that in the history of the administration of the law in this city, as ascertained by inquiry of the several district attorneys, State and national, final judgment upon the demurrer, as asked for, has never been pracused. We do not propose to say anything further.

YER HACTICE OF THE COURTS REVIEWED.

Mr. Curtis—I will state to your Henors that I have made inquiries of several district attorneys of the United States, whose terms cover the last twenty-five years of practice in this court and I am assured that the case has not occurred in the practice of the court of a denurrer being overruled of the demurrer and judgment and sentence moved thereou.

Mr. Cushing—May it blease your Honor, I rise at the suggestion of the District Attorney, not to volunteer any signment in support of his motion, but only to say to the Court that I it entertains any donbt upon that question and desires argument it will afford me pleasure to submit it. Otherwise, in view of this record and of the assurance of the District Attorney has the says he has in bis possession—as, for instance, the record—from what would be rendered if he had no such proofs?

The District Attorney—Net a different sentence, because of some proofs which he says he has in bis possession—as, for instance, the record—from what would be rendered if he had no such proofs?

The District Attorney—Net at all. I only refer to

defendant.

Jadge Blarchford—The eleventh, twelfth and thirteenth counts of the indictment set forth affirmatively this conviction as the ground of the disqualitication of the party—that he had no right to register or vote, and we understand that you refer to the record as a matter of proof, to be given under the indictment.

The District Autorney—I-spoke of it only as a fact showing that the party is gulity beyond all question.

THE DISTRICT AUTORNEY SUSTAINED.

Ludge Woodruff—The Court do not deem it necessary to hear argument from counsel for the government upon this question; neither do the Ceurt deem it necessary to enter upon nequiry, in the attituse in which this cause new stands before us, whether the rule which was adverted to before the present demurrer was interposed is absolute and unqualified, that judgment on an indictment for a misdemeanor and demurrer thereto everruled is final, or whether that rule is subject to the control of the Court. There have been various decisions on the subject, and some opinions by very emment judges, that when an indictment for misdemeanor is demurred to the demurrer is and is to be treated for all the purposes of the trial and final judgment as a confession of the facts alleged as constituting the offence; and if overruled, as though the prisoner stood in court pleading guilty, which he prisoner stood in court pleading guilty, wh

Court. Learned judges have given the opinion that it is in the discretion of the Court, out in giving that opinion, so far as cases have fallen under our observation, they are careful to say that the general rule is that, on demurrer to an indictment for a misdemeanor overruled, the judgment is finally while in favor of human life, where the punishment is death, that rule does not obtain. And further, that in the case of misdemeanor, upon special cause shown, the Court may withhold judgment, decline giving judgment on the demurrer, and on an application, sustained by proper considerations, suggesting to the Court danger that injustice will be done to the prisoner; suggesting, perhaps, that he has been misied into the position in which he finds himself blaced, or other grounds (which it is not necessary for me to anticipate, for nothing of that sort is suggested here), but which render it harsh to apply what is contessedly the general rule, to permit the deleadant to withdraw the demurrer from the record and be put to plead. In the present case all was done, short of the peremptory imposition of a condition, to apprise the prisoner and his counsel, before this demurrer was interposed, that the general rule would be insisted upon on the part of the government. In this case nothing is now called to the attention of the Court in any form to be made the basis of any judicial action which indicates at all that the prisoner at the bar had or has any defence, except that which has been so ably and so fully exhibited on his behalf, and, I trust, so patiently listened to by this tribunal. And in the absence of any other defence we are unable to see why the duty does not rest upon us to proceed in conformity with the general rule governing cases of like description.

Mr. Stoughten declared they had not had time to examine the facts of the case so as to make up a defence.

Judge Woodruff therefore suspended sentence. Court Learned judges have given the opinion that it is in the discretion of the Court, but in giving

Judge Woodruff therefore suspended sentence was then called up. The defendant is charged with a violation of the Registry act in voting in more places than one.

Counsel moved to have the case postponed, which, after brief argument, was assented to by the Court, the case being set down for to-morrow.

UNCLE SAM'S PATROL.

The United States Election Police-Reminis. cences of Burton's Green-Room-The Oyster Opener-"How the Old Thing Works" Politically-Where Are the "Stamps?"

ous apartment in the bottom story of Burton's old theatre in Chambers street. In the nights long by, when Burton charmed enthusiastic audiences with his Aminidab Sleek and Toodies, that apartment was used by the actors and actresses as a retiring room, where they might dress and have social chais "be tween acts" and before and after a performance. This room has rung with jests, and wit and repartee found an easy expression among those whose business it was to face the footlights to admiring thousands. Long years have passed since those pleasant nights, and many of those who charmed the old room with melodious sounds and hearty laughter have passed to their final rest and their bones are

United States authorities have converted it into a rendezvous, within the past ten days, for a class of men of dangerous omen to the plack and order of society. There are six cans-bottomed chairs in the room, a large table covered with long rolls of manuscript pasted together, which hung over and swept the ground with their folds in an aggressive and ostentatious manner. There is a big inkstand, a big, thin-faced and pale youth, a second youth who is better looking and is not pale er lank in the visage, and then there are five or six auxiliaries of the scedlest description "sitting around" wanting to see what will turn up. There are large stacks of pamplets on the table in which information is furnished, to those who may desire it. as to the duties of deputy marshals, supervisors and special deputies who are to control the coming elections in this city. Gangs of from five to fifteen persons are brought in from time to time during the afternoon by parties who are interested in the elections locally. These are brought here to be sworn in as deputy narshals by the pale-faced youth in the lank visage. Some of these men are very queer fish, to use a very moderate expression. They give an observer ar idea from their appearance that they are all in tronble about next week's board. The improof the last "blast" which they have received their respective landladies still remains on

their respective inudiaties still remains on their pathene and woberone countenances as they enter the room. They have all come here with the resolution to do or die—meaning that they will strike until the last dollar is gone, and then, said one, "When I can't get a cent more I will vote the democratick ticket, I will."

One has just entered the door who can be distinctly remembered. He used to open oysters in a low den in Canal street. About thirty years of age, with a goatee and stubby moustache, and the corners of his mouth solied with tobacco julce, he seems ready for any emergency, and did the safety of a primary demand if he might be relied upon to scuttle a ship or cut a throat with cheerful a lacrity. He wears light pantaloons and those peculiar thick-soled shoes which are found generally on the soled shoes which are found generally on the

sentitle a ship or cut a throat with cheerful a acrity. Soled shoes which are found generally on the feet of men who are capable of kicking the eyebrows off a political opponent. This man is very serviceable in local rows, where mofensive Dutchmen are to be smashed, and it is a beast of his that he can stand up at a barroom counter and take fifteen rye whiskeys cold and without winking. But the ex-oyster opener, though patriotic in the main, will not volunteer without being, as he phrases it, "purvided with the stamps." In answer to a question as to what the chances may be for his services and remineration in the coming election, he says volubly:—

'I don't knew how things is goin' to be. Von see Larry Allen he runs a gang in our ward. He's got a good deal of money. He made a put in the farobank, and then he was a big bounty man in the war. He's good enough to the boys around our ward, and whenever they wants a square meal he puts up for us. When there's a snap he always gits a fellow out of a box. I saw a man lying on a stoop in Laurens street one night and his watch hung out of his pocket about six feet. I had been drinking a little with the boys, and I had just left the gang at the corner. I saw the watch, and i was poety hard up at the time. Now, what could a fellow do under such suckumstances? I took the watch, and I decklare to God only it hung out in such a aggravath. Way I'd never a looked at it. Sut if I didn't take it wouldn't somebody class histit? Well, the bloke thimbled to it, and i was grabbed. They took me afore a police magistrate, and I'd a got a couple o' years sure only for Larry Allen. He come into court and he says:—Jedge, don't commit this man. He'll go down afore Bedford, and he'll be sent higher than a kite if you commit him.' Well, the Judge was in which us, and he wanced us to wate aginst Tammany Hall this elekshin, and se I come off with nying colors. Well, that's what I calls a square deal. Swhen Larry Allen. Them's my sentiments, and note I am.'

At this moment a swarm of rough-loo

friend as does me a good turn, and Fillie, steal or fight for Larty Ailen. Them's my sentiments, and nere I am."

At this moment a swarm of rough-looking tatter-demailons poured into the room, low-browed, reeking with biasphemous utterance and bearing themselves with insolent gesture. They all saluted the oyster opener and received his salutations with a free and easy manner.

"Hullo, Shorty, you herer"

"That you, Jimmy?"

"Why, Bhily, are you goin to support the Union and take the iron-clad eath? Well, that's the worst lever saw. Thought you had a milk route all summer?"

"Well ye see, Shorty, there's a good deal a money in a milk route when you get the hang of ht; but this thing of gitting up on a poor stomick at two o'clock in the morning to turn out with a wagon, after ye bin all night on the batter, aint wot its cracked up to be. Give me a job splitting snoots at sen doilars a day, and it lays over mik routes all to heli and gone. I'm goin to be marshal, I am, and if there's any mashing why ye can count me in. But they say its goin' to be putty hard for us to git any money for this work and I'm against it If there's no money. There's no funds for the boys, and if Congress don't make no 'proprecashin wots the boys goin' to do'".

"Well, Jimmy, I don't know meself, and I think yer head's level when ye talk that way. My opinion is jest this: If Ledwith rits best—and I'm afeer'd he

"Well, Jimmy, I don't know meself, and I think yer head's level when ye talk that way. My opinion is jest this: If Ledwith gits beat—and I'm afeer'd be will, no matter now much mashing we do—then Congress wen't put up a cent for us, and I want a rake, I do, or I don't do no work. I heerd a clergy-man say wonet that the laberer is worthy of his nire, and Pin with him every time on that."

The first question asked by every rough who came to be sworn was, "Hew are we goin't e git our money after eleckshin?" Then they are all at sea as to whether their compensation will be two dollars and a half a day, five dollars a day or fity dollars in a lump when their work is done.

and a haif a day, five dollars a day or fity dollars in a lump when their work is done.

Our reperter asked one man who had a blue fire shirt on him (and, by the way, nearly all the members of the Fire Department are being swern to serve as marshals under Sharpe) as to what his compensation would probably be.

"I don't know," he answered, "no more than the man in the moon. I'm out of work, and I'm willing to work like a good, square republican for me gin if they'll grub me. You see, some man in the ward gets a dozen of us fellows full of gin and brings us down here, and some of us don't know each other from a hole in the ground, and he gives the boys a dollar or two and tells us we'll get the rest after elekshin. If they play any game on me I'm goin' aginst them like a dollar,"

Now eight or ten of these fellows receive their

veight or ten of these fellows receive their

they are all told to stand up in a rew and be sworn some few take off their hats, a majority leave them on, and in a melancholy voice the paie-faced youth reads the oath, which is the one administered in the Southern States to those who are suspected of disloyalty. Many of these men do not pay the sharhest attendon to the oath as it is administered and a few shut their eyes and try to look as if they were impressed with the solemnity of the occasion, while others are ready to swear a different oath every ten minutes during the day, at fifty cents an oath, and at the same rate they will cheerfully break the obligation. A large number of men were sworn in on yesterday, and of the aggregate the Twenty-first and Eighteenth wards constituted the largest number. It is calculated that five thousand largest number. It is calculated that five thos marshals will be sworn in by next Tuesday.

TROTTING AT FLEETWOOD PARK.

A trot for a purse and stake of \$1,000, mile heats, best three in five, came off yesterday atternoon at the Fleetwood Park between Dan Mace's bay mare Lydia Thompson, to wagon, and Mr. Lovell's bay mare Topsy, in harness. O. A. Hickok's roan mar-Edna was also entered for the race, but did not start. There was a very small attendance to witness the sport. Lydia Thompson was the favorite previous to the start at slight odds, but after being beaten the first heat she sold for three and four to one in the pools. This looked suspicious, and very few pools were sold. Lydia Thompson won the three following heats quite easily, and there were some queer remarks made about the way trotting has been conducted under the new rules. The following are a few of the pools sold on the track:-

THE BETTING. Before the Start.

First Heat .- Topsy had the inside and about half a length the best of the start. This advantage she made into a length on the turn and carried it to the quarter pole, in thirty-nine seconds. Soon after leaveight lengths before she recovered a square trot. Topsy was about that distance in front at the haif-mile pole, in 1:19. The latter was then taken in hand, and Lydia closed up gradually to the end. Topsy won the heat by two lengths and a haif, in 2:41%. ing there Lydia Thompson broke up badly and lost

ad Heat.—The horses had a capital start, but

2:414.

Second Heat.—The horses had a capital start, but going around the turn Topsy had a little the best of it. At the quarter pole, which was passed in thirty-eight and a half seconds, she led one leagth and a half. Lydia Thompson then made a very bad break and lost ten tengths before she recovered. Topsy passed the half-mile pole ten lengths ahead, in 1:20. Lydia Thompson then began closing at a rapid rate, and at the three-quarter pole was at Topsy's wheel. She was head and head with Topsy as they swung into the homestretch, and coming away steadily won the heat by over two lengths, in 2:22.

Third Heat.—Lydia Thompson now had the inside, and getting an even start with the other gained one length in maxing the first turn. This advantage she carried to the quarter pole, in thirty-seven and a half seconds. Going around the lower turn Topsy went very wide, while Lydia clung close to the pole, and at the half-mile pole the latter was three lengths in front, in 1:18. Going along the backstretch Dan Mace took advantage of the his and outs of the 2:2-2xg course and at the three-quarter pole was five lengths ahead. He brought Lydia steadily home and won the heat by seven lengths, in 2:37.

Fourth Heat.—The start was very even, but Lydia Thompson drew away gradually and ict two lengths to the quarter pole, in thirty-seven and a half seconds. She carried the advantage into the lower turn, when by a break by Topsy she gained two lengths more and passed the half-mile pole four lengths in front, in 1:19½. From there to the end there was no struggle. Lydia Thompson trotted steadily and came in a winner by two lengths, in 2:38. The following is a SUMMARY.

PLEETWOOD PARK NOV. 2.—Pulse and stake \$1.000.

SUMMARY.

PLRETWOOD PARK. Nov. 2.—Purse and stake \$1,000, make these three in five.

D. Mace entered b. in. Lydis Thompson, to Fourth heat. 37% 1:16 2:37
Fourth heat. 7.5% 1:16% 2:38
On Tresday afternoon Mr. Eonner's bay mare Pocahontas trotted han a mile over the above track in
1:08%. The first quarter being through a rather
heavy track, she made it in thirty-seven seconds,
but the other quarter being dry she trotted that one
in thirty-one seconds and a quarter. How is that for
high?

high?

At Prospect Park Fair Grounds this afternoon
American Girl and George Painer trot a match for
\$1,000, mile heats, best three in five, in harness,
George Painer will win if he can—mark that!

THE CALLOWS IN CALIFORNIA.

End of a Desperado-Execution of John K

SAN PRANCISCO, Oct. 22, 1870. Yesterday, the 21st mst., John K. Best was ning at Stockton for the crime of murder. The criminal was an Englishman and came to New York with his parents when quite young. There he grew up without any education and associating with the worst class of ruffians which abounds in that city. When about twenty years of age he removed, with his family, to Kentucky, where he committed his first murder, and escaped justice by fleeing to Texas, where he continued to lead a lawless life. One between the parties playing, of whom Best was one. Knives and revolvers were drawn in a twink-ling. Best's brother-in-law threw nimself between the combatants and received his death wound from a bewie knife in the hands of Best. Again the murderer became a refugee and fled to the new Territory of Montana, where he again committed deeds of blood, escaping the penalty by emigrating. From engaged in mining in some of the northern counties. After remaining there for some time he removed to San Joaquin county, where he committed his foorth and last murder, for which he yesterday suffered the

On the first of October, 1868, Best shot and killed Michael Flyan in a saloon about three miles from Stockton en account of a dispute about a score which Flyan claimed Best owed him. After the murder Best mounted his horse and rode on. That might he stopped at a farm house about eight miles from the scene of the murder. On the following morning, having drank to excess, he fell, is attempting to mount his horse, and cut his face severely. The animal running away Best was forced to proceed on loot, and, being afraid of phrsmit, took to the woods. In the meantime the citizens of Stockton, horrified at the bloody deed, perpetrated in their very midst, assembled en masse and determined to pursue the murderer. A reward of \$300 was offered by the proprietor of the saloou in which the murder was committed. The pursuit tasted several days, but the officers determined to persevere. About the officers determined to persevere was traced to a house in Pottersville, a village about fifty miles from Stockton. Two officers gained admission to the house, and, pointing Henry rifles at Rost, the latter surrendered without resistance. He was conveyed to Stockton, tried and convicted. On the 18th of February Best was sentenced, But his counsel obtained a stay of proceedings pending an appeal to the Supreme Court. The latter, however, sustained the verdict of the court below. At five minutes past twelve on Friday, the 21st inst. Best was led forth for execution. Upon being asked by the Sherin if he had anything to say, he took a roll of manuscript from his pocket and read his last declaration. His shatement was rambling and incoherent, denying the murder, and asserted that the jury had been bribed to find him gastity. He denounced his counsel in severe terms, and attacked the parties who had been instrumental in his capture. During his haranger, a shed, an the roof of which a great crowd had collected, On the list of October, 1869, Best shot and killed Michael Flynn in a saloon about three miles from

ALMOST A CENTENARIAN

Mrs. Ann Vanderpeol died in Newark, N. J., on Tuesday, at the advanced age of ninety-six years. The deceased was born in Hanover, Morris county, N. J., on the 17th of April, 1775, She was the daugh-N. J., on the 17th of April, 1775, She was the daughter of Whilam Crocker, who died when she was twelve years of age. In 1791 she came to Newark and was married to Mr. Vanderpeol in 1794. Her husband died in 1792, and she then became a widew at the age of twenty-four years. Four children were the fruit of his brief wedded life, two daughters and two sons. In 1803 Mrs. Vanderpool united with the First Presbyterian church of Newark, and in 1811, when the Second church was organized, Mrs. Vanderpool became one of its first members. Her only surviving child, Mrs. Caldwell, with whom she has resided, is seventy-six years of age and in the enjoyment of excellent health. The deceased occupied the house in which she died for seventy-three years. In 1865 Mrs. Vanderpool was in suen good health that she was able to walk to a photographer's and sit for a picture, but for a little over a year past she was unable to walk. She was however, confined to her bed for only three weeks previous to ber death.

THE NEW STEAMSHIP ISHAILIA

Another Addition to the Mediterranean Ser. vice-Her Dimensions, Charac er of Construction, Accommodations and

List of Officers.

The new steamship ismailia, the latest addition to the Mediterranean service of the Anchor line, arrived at this port on Saturday last, and is now discharging her cargo of fruits, in excellent condition, at the company's pier, No. 20 North river. In this her initial voyage the Ismailia was proved to be an excellent sea boat, and more than excaeded the expectations of her owners and builders in the matter of stanchness and speed. This vessel was launched in the early part of the present year from the yards of Messrs. Robert Duncan & Sons, Port Glasgow. She is 300 feet in length on deck, 33 feet 6 inches breadth of beam, 22 feet a tuches depth of hold, has two decks, and is of 1,792 tons burden. Her hult is constructed of wrought iron plates one inch in thickness at the bottom and three-quarters of an inch at the sides. These are double riveted, and the plate stringers on each deck are of large dimensions, adding greatly to the strength of the vessel. Her tanks have a capacity for 7,000 gallons of water, and the fresh water condenser will average sixty-five gallons an hour. The motive power of the Ismailia consists of two vertical direct-acting engines of the com-pound principle, at a working pressure of sixty pounds, constructed by the Finalston Steamship Works Company. The cylinders are 38 and 68 inches in diameter, with a stroke of piston of 3 feet 6 inches. The netters, two in number, are of the tubular description, with four furnaces in each, and the propeller, which is of castiron, is 17 feet in di-

the propeller, which is of castiron, is 17 feet in diameter and 23 feet in pitch, and averages about fitty revolutions per minute. In all other particulars—such as steam hoisting apparatus, donkey boiler, and independent steam, fire and bige pumps—she is well sapplied. Her rig is that of a bark.

The accommodations for passengers on board the ismailia are of the most comfortable and cosey nature. There is room, in very roomy staterooms, for tity first class passengers, in the intermediate for thirty, and in the steerage for about five aundred. The main saloon is quite elegantly fitted up, and its appointments of a character that will strike the eye picasuntly and favorably. The staterooms are finished in red with velvet sofas and all conveniences which experience has dictated. There are two "general cabins," or, rather, to be more explicit, lounging rooms, on the main deek of the vessel, near the staterooms—one—for—ladies—and—the other for centlemen—where the lavaries seeks.

cabins," or, rather, to be more explicit, jounging rooms, on the main deck of the vessel, near the staterooms—one for ladies and the other for gentlemen—where the luxurious sofas offer inviting repose to the passenger weary for the time being of the larger cabin or the promenade on deck. The intermediate saloon is also one of convenience and comfort, while the quarters for steerage passengers are large and extremely well ventilated.

The Mediterranean trade, of which line this is the second vessel that has arrived in this port since its resumption—the Dacian having been the pioneer—is destined to be one of importance. The Anchor line have a dozen or more spleadid vessels which they design to put upon the route as the business demands, and even at this time there is a fortnightly departure from Genoa, Leghorn and Naples, and weekly from Measins and Palermo. Their steamers are also appointed to leave Trieste, and at regular intervals from Marseilles, touching at Denia, Malaga and other Spanish ports, when inducements offer and the health of the latter ports is established.

The Ismailia will leave this port on Saturday on her return voyage for Liverpool direct. Her officers are able and experienced gentlemen, and it may be of interest to mention that one of the sons of the principal owner of the line is engaged in the engine room, "doing his duty like a man." The following is the list of the officers;— Oaplatin—Win. Brown.

First Officer—Onto Montgomery.

Sacond Officer—John Montgowan, John Herselton and Win. McGill.

THE RERGLAR TRAP CUN.

Opinion of Recorder Hackett on the Rights of Citizens to Protect Themselves. In the Court of General Sessions yesterday the case

of Joseph D. Agostino, who was required to find ball to answer any indictment which might be found against him for causing the death of George Tweedie, came up. It will be remembered that the deceased was endeavoring to effect a burgiarious entrance into Mr. Agostino's gun store, and while engaged in that unlawful act was shot in the head by a gun which was so adjusted as to go off when tine had been frequently visited by the "knights of the jimmy," and concluded that hereafter those unprofitable customers would meet a warm reception whenever they called at midnight.

RECORDER HACKETT'S OPINION OF THE ACT The Recorder, when the case was called on, said: This Court has imposed upon it a duty of supervising the correctness or incorrectness of imprisonments. My attention has been invited to the detention of the accused under the bail bond filed in this court, and sured for having planted a trap gun, by means of which a man by the name of George Tweedle received his death wound while evidently engaged during the night time in endeavoring to effect a burginrious entry into the shop of the accused. I am unable, after a careful investigation of the various laws of our State defining offences, to find any statute which makes the killing of Tweedle under the circumstances testified to an offence. The verdict of the jury establishes the fact that Tweedle, while foreibly and feloniously opening the window of the workshop of the accused, came to his death from a gan shot wound in the head, discharged from a gap shot wound in the head, discharged from a trap gan whithin the premises. That he accused would have been justified in killing Tweedle under the circumstances of attempting burglary, had the former surprised him in such attempt, no one can doubt, and at the best the deceased died from the misdirection of his own felonious act. It has been said that the trap gun was dangerous in case of fire, and that a firenan or policeman in the discharge of duty might have been killed. The answer te this is that no such event has occurred, and had such been the case, the act of the fireman or policeman would have been legitimate and in the honest discharge of a daty, while the act of the deceased man was felonions. Had the accused by his active agency killed an innocent man engaged in a landable act for public good the result might have been manslaughter in the fourth degree; but each case must be governed and determined by circumstances. I order the clerk to discharge the recognizances aften from the accused by the order of the Goroner, and file the papers away. The verdict of the Goroner, and file the papers away. The verdict of the Goroner, and file the papers away. during the night time in endeavoring to effect a felony.

It is to be hoped that this will be sufficient warding to would be burglars in the future.

THE UNION LEAGUE CLUB TRAGEDY.

Shoots Himself. Soon after ten o'clock on Tuesday merning Mr.

Joseph W. Emerson, employed as bookkeeper at the Union League Club House, corner of Twenty-sixtb street and Madison avenue, committed suicide by shooting himself through the head, while his room on one of the upper floors of the premises, and, strange to say, the of the premises, and, strange to say, the fact was not discovered till twelve hours later, notwithstanding Mary A. Turner, the chambermaid, heard the repert of a pistol. Mr. Edward dieason, superintendent of the club hease, who occupied a room with deceased, en going up stairs, at quarter past ten e'clock P. M., found the room door locked, and on opening it with his key discovered the dead body of Mr. Emersen lying on the floor, with a six-barrelled revolver lying between his legs. Mr. Gleasen said deceased seemed to be subject to fits of despondency, but witness knew of no cause why he should take his own life. Coroner Schirmer, on being notified, yesterday

obtained to show what prompted the act of self-destruction.

Deputy Coroner Cushman examined the head of deceased and found a pistol shot wound of the right temporal region two inches above the car, the builet entering the brain and causing death. A verticle corresponding with the forecoing facts was rendered by the jury. Mr. Emerson, who was thirty-seven years of age and born in Maine, was very respectably connected.

THE INTERRUPTED GUEL.

No Ladies le the Case Card from the Princ

TO THE EDITOR OF THE HEBALD;

In justification to two parties who were not concerned in our affair we wish to make a statement through your columns in contradiction to the report inserted therein on Monday, 31st Octoberreport inserted therein on Stonary, and Country and the report states that our quarrel arose through a communication made by one lady to another, unpleasant to one of us. Allow us to say that the report is utterly unfounded and falsey as our quarref was strictly personal, and had nothing whatever to do with ladles.

J. A. CHANDOR.
P. MALIGRAN.